

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff -Respondent,

Case No. 14-cr-20427

v.

Honorable Thomas L. Ludington

JOSEPH LARMONT JEFFERY,

Defendant-Petitioner.

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**ORDER DIRECTING ADDITIONAL RESPONSE**

On May 19, 2015, Defendant-Petitioner Joseph Larmont Jeffrey was sentenced to 140 months of incarceration for distributing cocaine base and aiding and abetting the same. ECF No. 157. Jeffrey did not appeal. On March 28, 2016, Jeffrey filed a motion for relief. ECF No. 213. On April 12, 2016, Jeffrey clarified that he was requesting relief under 28 U.S.C. § 2255. ECF No. 219. On September 26, 2016, Jeffrey filed a motion to amend his motion to vacate his sentence. ECF No. 245. Each of these motions have been referred to Magistrate Judge Patricia T. Morris. ECF Nos. 221, 246.

On October 25, 2016, Judge Morris issued a report recommending that Jeffrey's motions be denied and the case dismissed. ECF No. 247. Jeffrey filed a letter which contained two objections on November 16, 2016. First, Jeffrey argues that subsequent case law developments impact his claims. Specifically, Jeffrey references *United States v. Hinkle*, 832 F.3d 569 (5th Cir. 2016) and *Hill v. Masters*, 836 F.3d 591 (6th Cir. 2016). In *Hinkle*, the Fifth Circuit extended the Supreme Court's rationale in *Mathis v. United States*, 136 S. Ct. 2243 (2016), to predicate drug offenses under the Career Offender Guidelines. Because Jeffrey was sentenced under United States Sentencing Guideline § 4B.1.1 and not the residual clause in § 4B1.2(a), *Hinkle* may be

instructive. Second, Jeffrey objects that he did not have two prior controlled substance convictions because he was only arrested once, on the same day. He argues that the single investigation and arrest should correspond to only one predicate drug charge, not two.

On December 12, 2016, the Court ordered the Government to respond to Jeffrey's letter. On December 19, 2016, the Government filed a response which addressed only Jeffrey's second objection. Because the Government's response to Jeffrey's letter was nonresponsive to Jeffrey's first argument, a supplemental response will be ordered.

Accordingly, it is **ORDERED** that the Government is **DIRECTED** to file a supplemental response to Defendant's letter, ECF No. 248, addressing Jeffrey's arguments regarding *United States v. Hinkle*, 832 F.3d 569 (5th Cir. 2016), on or before **January 17, 2017**.

Dated: January 10, 2017

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 10, 2017.

s/Michael A. Sian  
MICHAEL A. SIAN, Case Manager